IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Crl.Rev.Pet.No. 682 of 2000()

ST.1780/1988 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHALAKUDY
CRA.170/1998 of SESSIONS COURT, THRISSUR

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REVN. PETITIONER: APPELLANT/ ACCUSED

JOY V.THOTTAN, S/O. VARGHESE,
THOTTA HOUSE,. CHALAKUDY,
MUKUNDAPURAM TALUK
THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SMT.P.MAYA

RESPONDENTS: RESPONDENT/ COMPLAINANT AND STATE
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1. **THE FOOD INSPECTOR,**
   CHALAKUDY MUNICIPALITY.

2. **STATE OF KERALA, REP.BY PUBLIC**
   PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP. NO.682/2000

ORDER ON CRL.MP. NO.3744/2000 IN CRRP. NO.682/2000

DISMISSED

07.11.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R.UDAYABHANU, J

Crl.R.P.No.682 of 2000

Dated this the 7th day of November, 2007

O R D E R

The revision petitioner is the accused S.T.No.1780/1988 in the file of Judicial First Class Magistrate Court, Chalakudy who stands convicted for the offence under Section 2(ia)(m) 7(i) (v) read with Section 16(1)(a)(i) and (ii) of the Prevention of Food Adulteration Act and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for a further period of three months.

2. The matter related to the coriander powder purchased from the provision store of the accused which was found to be adulterated. It was found that the sample contained gritty matter and hence adulterated.

3. The counsel for the revision petitioner has only sought for modification of the sentence pointing out that the purchase of the coriander powder by the Food Inspector is dated 27.6.1986. Hence, more than two decades have elapsed since the

commencement of the proceedings and evidently the revision petitioner/accused has undergone the travails of facing the criminal proceedings so far. I find that it is also mentioned in the judgment of the lower appellate court that the revision petitioner is suffering from physical disability to the tune of 90%. The counsel has also relied on the decision of this court reported in **Food Inspector vs. Sankaran (1990(2) KLT 79)** in which case with respect to the same offences considering the fact that the accused is 70 above aged man, this court avoided custodial sentence and sentenced him to pay a fine of Rs.2,000/-. I find that in the circumstances the mandatory minimum imprisonment is to be avoided. Sentence is confined to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for three months.

The revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl